

Sanitized - Approved For Release : CIA-RDP75-00149R000200600037-7
JOURNAL

M-75,435

S-892490 1957

Sen. Ervin Protests Bill's Delay

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WASHINGTON — Sen. Sam J. Ervin Jr. of North Carolina protested angrily yesterday when the Senate postponed action at the request of the Central Intelligence Agency, on a bill to protect the private rights of government employees.

In a 30-minute floor speech, Ervin said it was unprecedented for such an agency to hold up the Senate's business. He said the bill has been under study for a year.

He questioned whether the CIA, by seeking the Senate delay, has violated a federal law which forbids excessive lobbying activities by employees of federal agencies.

He also implied that CIA employees need more protection than most civil servants from snoopy supervisors and lie-detector tests.

Has Cleared Committee

Ervin introduced the bill, which prohibits federal departments from questioning employees on personal matters and from asking them to take lie detector tests and psychological tests.

The measure has cleared the Senate Judiciary Committee. It includes a partial exemption for the CIA and the National Security Agency. But the CIA is said to want total freedom in its personnel policies.

The bill was scheduled for floor action yesterday, but was postponed at the request of minority leader Everett Dirksen, R-Ill., who said the CIA had asked him to seek the delay.

Dirksen later told an informal news conference that he favors the Ervin bill, with or without an exemption for the security agencies, but feels there will be no harm in postponing a vote.

Blunt Speech

Because of the postponement, the Senate probably will not act on the measure until after the Labor Day recess. The majority leader, Mike Mansfield, D-Mont., said it likely would come up around

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policy reasons for exempting the CIA from his bill. "It is neither necessary nor reasonable," he said.

The safeguards of the Constitution, Ervin said, "were meant to apply to all Americans; not to all Americans with the exception of those employed by the Central Intelligence Agency and the National Security Agency."

"My research has revealed no language in our Constitution which envisions enclaves in

Washington, Langley or Fort Meade, where no law governs the rights of citizens except that of the director of an agency. Nor have I found any decision of the Supreme Court to support such a proposition."

Ervin said it is inconceivable that the CIA and NSA could be hampered by provisions of the bill. The bill would—in addition to prohibiting personal questions, lie detector tests and psychological tests—keep agencies from making employees buy bonds, lobby for legislation, support political candidates or take part in activities unrelated to their work.

Do the CIA and NSA, Ervin asked, want to make their employees do these things?

"Is (their mission) such that they must be able to order their employees to go out and lobby in their communities for open housing legislation or take part in Great Society poverty programs?" he asked.

"Must they order them to go out and support organizations, paint fences, and hand out grass seeds . . . ?"

Ervin said the Constitutional Rights subcommittee, of which he is chairman, has found ample evidence of very personal questioning of government employees and prospective employees. One of the worst offenders, he said, is the CIA.

He said "some of the brightest young people in this country" are refusing employment with the CIA because of its "deplorable personnel prac-

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tices." He said applicants for jobs in this and other agencies had been asked intimate questions about sex, family relationships and personal finances.

Nevertheless, he said, the privacy bill as now written allows the directors of the CIA and NSA to waive the restrictions when they feel employees must be questioned in specific cases involving national security. Ervin opposed even this exemption, which he said was unnecessary.

"What more do they want?" Ervin asked. "Apparently, what they want is to stand above the law."

It was earlier reported that both the CIA and NSA were attempting to have Ervin's bill returned to committee. Ervin said yesterday, however, that only the CIA appears to be trying to hold up action. It is uncertain now whether there will be an attempt to return it to committee or whether an amendment will be offered on the Senate floor.